

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

Western Division

FILED

SEP 22 2023

PETER A. MOORE, JR., CLERK  
US DISTRICT COURT, EDNC  
BY Jma DEP CLK

Sherry A. Moore

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Holly Hill Hospital

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. 5:23-cv-00516-M  
(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☒ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Sherry A. Moore
Street Address	12500 Garden Tree Lane
City and County	Raleigh, Wake County
State and Zip Code	North Carolina, 27614
Telephone Number	919-816-6817
E-mail Address	moore_sherry3@yahoo.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title *(if known)*. Attach additional pages if needed.

**Defendant No. 1**

Name	Holly Hill Hospital
Job or Title <i>(if known)</i>	
Street Address	3020 Falstaff Rd
City and County	Raleigh, Wake
State and Zip Code	North Carolina, 27610
Telephone Number	919-250-7000
E-mail Address <i>(if known)</i>	

**Defendant No. 2**

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

**Defendant No. 3**

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

**Defendant No. 4**

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	

E-mail Address *(if known)* \_\_\_\_\_

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Title VII of the Civil Rights Act of 1964, Section 704(a)  
Title VII of the Civil Rights Act of 1964, Section 703(a)  
Defamation  
OSHA Act of 1970, 29 USC 651

### B. If the Basis for Jurisdiction Is Diversity of Citizenship

#### 1. The Plaintiff(s)

##### a. If the plaintiff is an individual

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the  
State of *(name)* \_\_\_\_\_.

##### b. If the plaintiff is a corporation

The plaintiff, *(name)* \_\_\_\_\_, is incorporated  
under the laws of the State of *(name)* \_\_\_\_\_,  
and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

#### 2. The Defendant(s)

##### a. If the defendant is an individual

The defendant, (name) \_\_\_\_\_, is a citizen of  
the State of (name) \_\_\_\_\_. Or is a citizen of  
(foreign nation) \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) Holly Hill Hospital, is incorporated under  
the laws of the State of (name) North Carolina, and has its  
principal place of business in the State of (name) North Carolina.  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_,  
and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

Discrimination, Retaliation, Harassment, Pain and Suffering and Defamation of my character

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Started June 1,2022, I notified my director of testing positive for covid and that on the next day 06/2/2022, I will be taking a PCR test to confirm. On June 2,2022 she text me asking if I was ok in which I did not respond. That same day, she notified the entire office as well as other offices in the same building that I Sherry Moore had covid and was insinuating that it was a hoax as I was leaving for vacation afet the 5 day quarantine recommended by CDC guidelines. I was receiving calls and text regarding her spreading my personal information around the office. June 20,2022, my director notified my of my time and I asked a question regarding my time and that also caused issues where the problem worsened. After I came back from vacation I went to HR for her violating my HIPAA rights, June 22,2023. After that and HR spoke with her regarding her actions the retaliation, discrimination and defamation immediately started. Please see additional pages for more information.

#### IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Discrimination: \$200,000.00

Retaliation: \$500,000.00

Harassment: \$200,000

Pain and Suffering: \$650,000.00

Defamation: 300,000.00

Punitive/Exemplary damages:\$6,400,000.00

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#### V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

##### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

 9/22/23

Signature of Plaintiff

Printed Name of Plaintiff

  
Sherry A Moore

##### B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

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Telephone Number

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E-mail Address

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### III. Statement of Claim Continued.

June 23, 2022, I emailed HR subject titled "Retaliation?". I briefly explained how I was getting warned to "watch y'all backs" due to my direct supervisor having meetings with the CFO defaming my character and was also quoted as saying "I do not want to seem racist". I expressed I have become a target and being that I am pregnant the amount of stress can harm my child.

June 27, 2022, HR responded stating that they do not have a policy on how to cover protected employee information regarding my situation and without a policy they can not hold someone accountable.

07/27/2023, I sent a follow up email stating again I felt targeted. It is to the point where she has my co-workers, keeping track of me, taking notes on me, and reporting them to my director. On the 26<sup>th</sup> of July, an HR representative and I had a meeting with my director where stated that I was being disrespectful and no longer completing tasks and not acknowledging her whilst doing work. She also fabricated stories stating that the entire office is coming to her telling her that I am talking about her and even accusing one person. Later that was found to be a fabricated story and she then had to issue an apology to myself, and the person accused. The HR representative reported her findings to the HR director. My director then thought they were taking my side because of the lies they caught her in and asked about them to where she could not explain. Then it began to get worse.

I started to have panic attacks from the beginning but could not pinpoint it was coming from the job until I took the vacation and noticed I did not have one during that time and I did not have any during the weekends when not at work. Only before, during and after work were these attacks taking place. I was placed on medication due to this to assist in helping me carry my baby full term due to the severity of the attacks.

The month of August was the same in sense of my co workers watching me, back and forth trips to HR and overall stress with creating rules to find a way to defame my character and to find a reason to write me up as to get me terminated leading up to the write up that occurred 09/26/2022.

September 26,2022 I was called to HR stating that I have been written up for several things. Items such as I was missing meetings when scheduled by my director when indeed she was cancelling them, and I have proof of that and provided proof to HR which was documented. I was not responding to emails specifically 08/01/2022 when I provided proof I was out of the office with approved PTO.

08/09/2022 It was stated that I did not respond to email when HR looked at the email, they found that it was only a mere notification, and no action was required.

08/22/2022 Director reported that I did not respond to email HR founded email where indeed I responded with documentation proof.

08/30/2022 Director stated I did not respond to email, documentation proof that I did respond to email and that director read the email 08/30/2022 at 5:28pm.

09/16/2022 Director stated that I did not follow department policy regarding communication with other departments. I provided an email thread where I previously contact my director for assistance on 09/07/2022 and again on 09/15/2022 and she did not respond until 09/16/2022 regarding the email that she was requesting.

Along with this I have voice recordings with the meetings with HR and physical documentation of all items showing she was retaliating against me, defaming my character, and discriminating against me.

Sherry A Moore  
9/22/2023